



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: June 3, 2016

Re: **Synopses of Regulations received from 5/20/2016 through 6/2/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

catz

cc: Victoria L. Gruber
Alexandra Hughes

Health and Mental Hygiene, Department of

Proposed Regulation

DLS Control No. 16-098

Department of Health and Mental Hygiene:

Postmortem Examiners Commission:

Medical Examiner Cases: COMAR 10.35.01.14

According to the department, the purpose of this action is to reduce the autopsy report fees from \$30 to \$25 for a first-degree relative to receive a copy of the official medical examiner's autopsy report and from \$120 to \$100 for all others.

Proposed Regulation

DLS Control No. 16-099

Department of Health and Mental Hygiene:

Health Statistics:

Vital Records: COMAR 10.03.01.08

According to the department, the purpose of this action is to reduce from \$24 to \$10 the fee collected by the Department of Health and Mental Hygiene for (1) issuance of a certified or abridged copy of a birth certificate; (2) issuance of the first copy of a certified death certificate issued in a single transaction; (3) a report that a search of the birth or death certificate files was made and the requested record was not on file; and (4) for each change to a birth or death certificate made later than one year after the certificate was registered with the Department. In addition, the proposed regulation reduces from \$20 to \$10 the fee that is transferred to the General Fund for a birth or death certificate that is issued by a local health department. These changes are being made in accordance with Chapter 316 of 2016.

Proposed Regulation

DLS Control No. 16-100

Department of Health and Mental Hygiene:

Procedures:

Fees for Community Health Programs: COMAR 10.01.17.02

According to the department, the purpose of this action is to reduce (1) the application fee for annual day camps and public pools or spas and (2) the plan review fee for food processing plants and food service facilities.

Proposed Regulations

DLS Control No. 16-101

Department of Health and Mental Hygiene:

Hospitals:

Comprehensive Care Facilities and Extended Care Facilities: COMAR 10.07.02.03

Nursing Staff Agencies: COMAR 10.07.03.05 and .06

Related Institutions – Residential Treatment Centers for Emotionally Disturbed

Children and Adolescents: COMAR 10.07.04.03

Freestanding Medical Facilities: COMAR 10.07.08.05

Home Health Agencies: COMAR 10.07.10.04

Assisted Living Programs: COMAR 10.07.14.07

License Fee Schedule for Hospitals and Related Institutions:

COMAR 10.07.15.02 and .03

Hospice Care Programs: COMAR 10.07.21.04

Laboratories: Medical Laboratories - Licenses: COMAR 10.10.03.03, .04 and 06

Medical Laboratories - Fees: COMAR 10.10.04.02 and .03

Medical Laboratories - Public Health HIV Testing Programs: COMAR 10.10.12.04

Adult Health: Day Care for the Elderly and Adults with a Medical Disability:

COMAR 10.12.04.04 and .05

Advance Directive Registry: Advance Directive Registry: COMAR 10.23.01.05 and .06

Forensic Laboratories: Responsibilities, Accreditations, and Audits:

COMAR 10.51.02.01

License and Fees: COMAR 10.51.03.02-.04

According to the department, the purpose of this action is to eliminate or reduce the licensing fees for the regulated industries listed in the Notice of Proposed Action.

Emergency Regulation

DLS Control No. 16-105

Department of Health and Mental Hygiene:

Housing:

Health and Medication Requirements for Youth Camps: COMAR 10.16.07.14

According to the department, the purpose of this emergency action is to promulgate regulations for youth camps pertaining to the management and administration of medications for camp attendees for the 2016 camp season.

This emergency action is being requested because the camp season generally starts around Memorial Day. The previous medication administration regulations for youth camps were repealed in anticipation of this revision.

Proposed Regulations

DLS Control No. 16-107

Department of Health and Mental Hygiene:

Medical Care Programs:

Home Health Services: COMAR 10.09.04.04

Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services:

COMAR 10.09.23.07

EPSDT School Health-Related Services or Health-Related Early Intervention

Services: COMAR 10.09.50.07

Living at Home Waiver Program: COMAR 10.09.55.06

According to the department, the purpose of this action is to update language regarding the previous limitation prohibiting providers from billing Medicaid for services provided free of charge to other patients. This language aligns with a recent federal policy clarification on “Free Care Policy.”

Human Resources, Department of

Proposed Regulation

DLS Control No. 16-103

Department of Human Resources:

Child Support Enforcement Administration:

General Information: COMAR 07.07.02.02

According to the department, the purpose of this action is to reduce the following fees as follows: (1) reduce from \$25 to \$15 the fee that is collected by the Child Support Enforcement Administration for the initial application of child support enforcement services and (2) reduce from \$25 to \$15 the annual collection fee deducted from child support payments and collected by the Child Support Enforcement Administration.

Labor, Licensing and Regulation, Department of

Proposed Regulations

DLS Control No. 16-087

Department of Labor, Licensing, and Regulation:

Racing Commission:

Thoroughbred Rules: COMAR 09.10.01.25

Harness Racing: COMAR 09.10.02.19

According to the department, the purpose of this action is to eliminate the license fee an individual must pay when applying for a license with the Maryland Racing Commission.

Proposed Regulation

DLS Control No. 16-088

Department of Labor, Licensing, and Regulation:

Board of Cosmetologists:

General Regulations: COMAR 09.22.01.13

According to the department, the purpose of this action is to eliminate duplicate and certification fees charged by the Board of Cosmetologists to Senior Cosmetologists, Cosmetologists, estheticians, shop owners and apprentices.

Proposed Regulation

DLS Control No. 16-089

Department of Labor, Licensing, and Regulation:

Real Estate Commission:

Fees: COMAR 09.11.09.02

According to the department, the purpose of this action is to reduce the amount charged by the Real Estate Commission for license reactivation fees and eliminate the fee charged for a duplicate license.

Proposed Regulation

DLS Control No. 16-090

Department of Labor, Licensing, and Regulation:

Board of Architects:

Fees: COMAR 09.21.04.03

According to the department, the purpose of this action is to reduce the retired status license fee presently charged by the Board of Architects from \$68 to \$50.

Proposed Regulation

DLS Control No. 16-096

Department of Labor, Licensing, and Regulation:

Board of Public Accountancy:

General Regulations: COMAR 09.24.01.09

According to the department, the purpose of this action is to repeal the fee charged for a license verification certificate.

Proposed Regulation

DLS Control No. 16-097

Department of Labor, Licensing, and Regulation:

Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors -- Real Estate Appraisers:

Fees: COMAR 09.19.07.01

According to the department, the purpose of this action is to eliminate a fee charged to real estate appraisers to enable the Commission to generate sufficient funds to cover its direct and indirect costs incurred in its regulatory oversight of real estate appraisers and to lower its surplus funds to a more prudent level.

Proposed Regulation

DLS Control No. 16-104

Department of Labor, Licensing, and Regulation:

Office of Cemetery Oversight:

Fees: COMAR 09.34.03.03

According to the department, the purpose of this action is to amend the regulation to reduce the fees charged for business name changes, personal name changes, and business address changes from \$50.00 to \$25.00 for each change.

Natural Resources, Department of

Proposed Regulation

DLS Control No. 16-082

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.01

According to the department, the purpose of this action is to add Amendment 1 to the Chesapeake Bay American Eel Fishery Management Plan and incorporate the amendment by reference.

The action amends the 1991 Chesapeake Bay American Eel Fishery Management Plan (FMP) to include a provision that recognizes the Atlantic States Marine Fisheries Commission's (ASMFC) management measures and ensures flexibility when regulatory requirements change. Amendment 1 includes a provision for the adoption of current and future management requirements established by ASMFC, an update of the current status of the eel resource, and a framework for managing and monitoring the eel fishery. The Fisheries Service's Plan Review Team reviewed the plan in 2014 and recommended that the 1991 American Eel FMP be amended to include a provision that recognizes ASMFC and ensures management flexibility when regulatory requirements change.

Proposed Regulation

DLS Control No. 16-091

Department of Natural Resources:

Wildlife:

Reptile and Amphibian Possession and Permits: COMAR 08.03.11.05

According to the department, the purpose of this action is to reduce the fee for a Captive Reptile and Amphibian Permit in accordance with the Governor's announcement on May 12, 2016 regarding the latest round of fee cuts or eliminations. The fee for this permit will be reduced to \$10. The Captive Reptile and Amphibian Permit is required for persons to breed, sell, offer for sale, trade, or barter native species of reptiles and amphibians or to possess native reptiles and amphibians in excess of certain limits.

Proposed Regulation

DLS Control No. 16-092

Department of Natural Resources:

Wildlife:

Threatened and Endangered Species: COMAR 08.03.08.03

According to the department, the purpose of this action is to reduce the fee for an Endangered Species Permit in accordance with the Governor's announcement on May 12, 2016 regarding the latest round of fee cuts or eliminations. The fee for this permit will be reduced to \$10. The Endangered Species Permit is required to take, transport, possess, sell, offer for sale, export or import any listed endangered or threatened species or wildlife species in need of conservation listed by the Department of Natural Resources.

Proposed Regulation

DLS Control No. 16-093

Department of Natural Resources:

Wildlife:

Wildlife Possession: COMAR 08.03.09.07 and .14

According to the department, the purpose of this action is to reduce the fee for two types of falconry permits in accordance with the Governor's announcement on May 12, 2016 regarding the latest round of fee cuts or eliminations. The fee for these permits will be reduced to \$10 for residents. The Falconry Permit, including the first time application fee, is required to possess and hunt with birds of prey. The Peregrine Falcon Permit is required for a licensed falconer to take a passage peregrine falcon during the fall trapping season.

Proposed Regulation

DLS Control No. 16-094

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.13

According to the department, the purpose of this action is to adopt new regulations for scientific collection permits. Natural Resources Article, § 4-212, Annotated Code of Maryland was amended during the 2016 legislative session to clarify and make the section more consistent with the scientific collection section in the wildlife title of the Natural Resources Article. Some permits are issued jointly to permittees and having the statutes more aligned and consistent makes the process easier for both the Department and the permittee.

Proposed Regulation

DLS Control No. 16-095

Department of Natural Resources:

Fisheries Service:

General: COMAR 08.02.01.02

According to the department, the purpose of this action is to remove the fee for a replacement license and clarify the identification requirements for commercial vessels and vehicles. Specifically, the proposed action removes the replacement license provision. The Department has not charged a replacement license fee for approximately two years because the COMPASS licensing system allows any licensee to print a license at any time without additional charges.

Regulation .02 is unclear if the rules about the display of identification numbers apply to commercial gear as well as vehicles, vessels and places of business. The regulation is not intended for gear marking since placing a four inch number on most gear is difficult or impossible. Other regulations specify how gear is to be marked. The size requirement should only apply to vessels and vehicles. The proposed action clarifies the display of identification number for commercial vessels and vehicles and changes the minimum height requirement from four inches to three inches. Three inch numbers are the standard size sold in stores as well as the standard used by the industry.

Environment, Department of the

Proposed Regulation

DLS Control No. 16-083

Department of the Environment:

Air Quality:

Permits, Approvals, and Registration: COMAR 26.11.02.17

According to the department, the purpose of this action is to reduce the permit to construct application fee for charbroilers and pit barbecues. This action also reduces the permit to construct application fee for small fuel burning equipment with a rated heat input capacity of less than 10 million Btu per hour (10 MMBtu/hr).

Proposed Regulation

DLS Control No. 16-084

Department of the Environment:

Waterworks and Waste Systems Operators:

General Provisions: COMAR 26.06.01.07

According to the department, the purpose of this action is to reduce the fees assessed by the Board of Waterworks and Waste Systems Operators for items and services provided. The

Safe Drinking Water Act requires the State to maintain an operator certification program for public water system operators.

Proposed Regulation

DLS Control No. 16-085

Department of the Environment:

Radiation Management:

State Radiation Control Fund: COMAR 26.12.03.02 through .04

According to the department, the purpose of this action is to amend the regulations to include reductions in the annual fee for general radioactive material licenses, veterinary dental radiation machines and portable lead paint analyzers. There is also a fee exemption for temporary *pro bono* dental clinics.

Proposed Regulation

DLS Control No. 16-086

Department of the Environment:

Board of Well Drillers:

Issuance, Renewal, and Reinstatement of Licenses: COMAR 26.05.02.10

According to the department, the purpose of this action is to reduce the fees assessed by the Board of Well Drillers for items and services provided.

Transportation, Department of

Proposed Regulations

DLS Control No. 16-081

Department of Transportation:

Motor Vehicle Administration-Administrative Procedures:

Motor Vehicle Fees: COMAR 11.11.05.03, .04, and .06

Motor Vehicle Administration – Vehicle Registration: **Issuance, Renewal, Display, and Expiration of Registrations:** COMAR 11.15.16.02

According to the department, the purpose of this action is to eliminate or reduce four MVA fees, which will save Maryland residents money every year. The following fees are impacted:

- shuttle permit;
- county sticker;
- moped permit (issuance); and
- moped permit (renewal).

MVA also proposes updating language to allow the Vehicle Emissions Inspection Program to use advanced testing methods.

Agriculture, Department of

Proposed Regulation

DLS Control No. 16-102

Maryland Department of Aging:

Provider Regulations:

Certificate of Registration for Continuing Care Facilities and Providers:

COMAR 32.02.01.13

According to the department, the purpose of this action is to reduce the annual certificate of registration fee.

Education, State Board of

Proposed Regulations

DLS Control No. 16-106

State Board of Education:

General Instruction Programs:

Graduation Requirements for Public High Schools in Maryland:

COMAR 13A.03.02.02, .06 and .09

According to the board, the purpose of this action is to incorporate an incremental scoring implementation plan for PARCC Algebra I and English 10 and establish graduation requirements for students in certain school years.

Proposed Regulation

DLS Control No. 16-108

State Board of Education:

Certification:

Specialists: COMAR 13A.12.03.02

According to the board, the purpose of this action is to incorporate new certification requirements required as a result of legislation adopted by the Maryland General Assembly during the 2015 legislative session under the title “Professional Standards and Teacher Education Board – School Counselors – Certification Renewal Requirement (Lauryn’s Law).”

Proposed Regulation

DLS Control No. 16-109

State Board of Education:

Specific Subjects:

Programs in World Languages: COMAR 13A.04.11.01

According to the board, the purpose of this action is to incorporate revised standards for world languages.